

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

GALLUP MED FLIGHT, LLC,

Plaintiff,

vs.

Civ. No. 16-01197 KG/KBM

PHOENIX INSURANCE COMPANY

Defendant.


ORDER

This matter comes before the Court upon Plaintiff's First Amended Motion to Dismiss Without Prejudice (Motion to Dismiss), filed on May 4, 2017. (Doc. 39). Defendant's Response was filed on May 18, 2017, and Plaintiff's Reply was filed on June 1, 2017. (Docs. 40, 41). The Court conducted a hearing on the Motion to Dismiss on September 20, 2017, in which Andrew L. Johnson represented Plaintiff, and Jennifer A. Noya represented Defendant. At the close of the hearing, the Court, having considered the motion, briefs, relevant law, and argument by counsel at the hearing, and being otherwise fully informed, granted the Motion to Dismiss.

IT IS, THEREFORE, ORDERED that

1. for the reasons stated on the record at the September 20, 2017, hearing, the Plaintiff's Motion to Dismiss (Doc. 39) is granted in that Plaintiff's claims are dismissed without prejudice;
2. Defendant's request for an award of attorney's fees and costs is also granted;
3. Defendant must file its brief supporting the request for an award of attorney's fees and costs on or before October 4, 2017;
4. Plaintiff may file a response to Defendant's brief on or before October 18, 2017;
5. Defendant may file a reply on or before November 1, 2017; and

6. a final order of dismissal will be entered once the court determines the attorney's fees and costs award.



UNITED STATES DISTRICT JUDGE